Remarks/Arguments

Claims 1-15 are pending and stand rejected under §103(a). Claims 1, 2, 5, 6, 13 and 14 have been amended to further clarify the claimed subject matter. No new matter has been added with any of the amendments to these claims. In view of the comments below, Applicant respectfully requests that the Examiner reconsider the present application including claims 1-15 and withdraw the rejection of these claims.

a)   Applicant notes with appreciation that the Examiner has considered the art listed on and returned an initialed copy of form 1449.

b)   Claims 1-15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Masahide, et al. (EP 1093271 A2). Claims 1, 5, 8, and 13 are in independent form and define in varying scope various aspects of the claimed invention. Of these claims as noted above claims 1, 5, and 13 have been amended for the sake of clarification.

In overview the present application deals with apparatus and methods that utilize existing Instant Messaging (IM) protocols (or IM clients or servers) to control "intelligent" devices, and provide a "least intrusive" process to do so. This is done by configuring a plurality of "presence states" and pre-set commands at the IM client and Servers without making modifications to the core IM protocol or introducing any new protocols. Access control is provided using a known

IM construct, ie 'Buddy List' and in some embodiments the device status is tracked and available using another IM construct, i.e. 'presence'.

The referenced art (Masahide et al) describes a method to promote communications by controlling a character 2, e.g. as displayed on a client device, using IRC (Internet Relay Chat protocol defined in RFC 1459 available from IETF (Internet Engineering Task Force)). IRC allows for a form of instant communication over the Internet but is architecturally different from IM. IRC does not have the framework of an Instant Messaging protocol. For example and more specifically IRC according to Masahide et al. does not define access control mechanisms nor does IRC support persistent status notifications, e.g. as provided, respectively, by "buddy" lists and "presence" indications.

Rather IRC is essentially a network of servers, and users can login to any of these servers and join a channel or chat room provided they know the identity of the channel or chat room. There is no limit on the number of channels and also all the users on the channels see everything the other users type (or talks). Another difference is the "Presence" part of Instant Messaging which cannot be supported by IRC.

Regarding claim 1, the Examiner concedes that "Masahide does not explicitly teach the limitation of an IM buddy list." but maintains that "Masahide does teach that a channel is created and instant messaging clients and their associated physical devices join a chat channel (see col. 8-10)." Applicant agrees with the Examiner on these issues, e.g. the reference does not show all claimed limitations, namely the "buddy" list. The Examiner then further maintains/concludes

that "It would have been obvious to one of ordinary skill in the art at the time of the invention to

modify Masahide by specifying the channel as a buddy list since the same functionality of

identifying a group or chat room is achieved."

Applicant respectfully disagrees with the Examiner's conclusion. Channels and chat

rooms as described by Masahide et al. and IRC do not provide the functionality of a "buddy" list,

such as access control as noted above that can be provided by or facilitated by a "buddy" list.

Those of ordinary skill generally recognize that these shortcomings are one of the motivating

factors that resulted in IM protocols being defined/developed. For example becoming a member

of a "buddy" list includes certain constraints, e.g. the buddy generally must agree.

Applicant has amended claim 1 as well as claims 5 and 13 to specify that controlling the

intelligent device is conditioned on the device being a member of the control stations "buddy"

list as claimed. Applicant respectfully submits that Masahide et al. does not show all limitations

of claim 1 or 5 or 13, specifically the "buddy" list or conditioning control of the intelligent device

on membership in the controlling entities "buddy" list. Thus Applicant submits that the

reference does not support a §103(a) rejection of claims 1, 5, or 13 or claims 2-4, 6-7, or 14-15,

respectively, dependent thereon. Therefore and at least for the reasons noted, Applicant

respectfully requests that the Examiner reconsider and withdraw this rejection of claim 1, 5, and

13 as well as claims 2-4, 6-7, and 14-15 under 35 U.S.C. 103(a) based on Masahide, et al. (EP

1093271 A2).

Regarding claim 2, the Examiner maintains that "Masahide teaches the method of claim 1,

further comprising the step of identifying a status of the intelligent device to the control station

by sending from the intelligent device to the control station a selected IM "presence" indication

(see col. 10, lines 40-55), - Masahide discloses that greetings and welcome are used indicate the

status of joining a channel)."

Applicant respectfully disagrees with the Examiners construction of Masahide et al. noting

that sending a "greetings" or "welcome" control instruction while it may by happenstance

suggest a status, e.g. that a user is now on the channel at a particular point in time, is not

'presence' as contemplated by IM protocols and claim 2, 6, or 14. Presence capability in IM

systems and presence indications are completely different from commands and are "Persistent",

i.e. they are maintained by the Server (or Proxy) and displayed continuously on the IM client

having a corresponding "buddy" list that includes the device until the state of the device changes.

Masahide's suggestions do not have this distinction and on line status is accomplished by sending

a message, which is not persistent. Masahide et al is not suitable for maintaining and displaying

"presence" states, e.g. persistent status information. In our invention, the presence list (list of

possible status states for a given device) is customized (number and type) per the type of device

and is carried over the Presence protocol of the IM framework. Furthermore the claimed

presence indications correspond to the intelligent device (character 2 in Masahide et al) and

nothing in Masahide et al shows or suggests sending a status indication from the character 2 of

Masahide et al.

Applicant has amended claim 2, 6, and 14 to recite a selected one of a plurality of IM

"presence" indications. Masahide et al does not show or suggest "presence" information or

selectively sending one of a plurality of such indications or sending such an indication from the

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intelligent device as claimed. For this additional reason Applicant respectfully submits that

claims 2, 6, and 14 are allowable over this reference and requests that the Examiner reconsider

and withdraw this 103(a) rejection of these claims for this additional reason.

As to claim 3, the Examiner maintains that "Masahide teaches the method of claim 1,

further comprising the steps of: creating an IM user list and an access control list corresponding

to the intelligent device and to a user; and providing control of the intelligent device by the user

in accordance with the access control list (see col. 9, lines 1-50) - Masahide discloses an event

table that functions as an access control list for physical devices attached to IM clients)."

Applicant has studied the cited passage as well as the event table of FIG. 3. The passage

suggests that a control instruction is sent to a character based on an event as shown in table of

FIG. 3. Applicant is unable to construe this material or the balance of Masahide et al as showing

or suggesting the claimed access control list corresponding to a user or control of the device by

the user according to the access control list as claimed. It appears that events trigger generation

of a control instruction and any user may cause the event? Thus Applicant respectfully submits

that claim 3 is allowable over this reference and respectfully requests that the Examiner

reconsider and withdraw this §103(a) rejection of claim 3 for this additional reason.

Regarding claim 4 (similarly claim 7 and 15), the Examiner concedes that "Masahide

fails to teach the claimed limitation of authenticating at least one of a user, a server, and a proxy

when sending and receiving an instant message." The Examiner then relies on "Official Notice"

"that the concept and advantages of authenticating a user to an instant messaging service is old

and well known in the art" and concludes "It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Masahide by specifying the authentication of users. One would be motivated to do so to limit the chat room to certain participants."

Applicant respectfully disagrees with the Examiner's view and notes that while authentication arguendo may be known, Applicant is unaware of utilizing such concepts in the claimed context of control of devices using IM based communications as claimed. While authentication concepts may be known this novel combination of processes and apparatus have not been shown or suggested by any cited reference. Furthermore, authentication is used in exchanging IM messages to control the device and not to limit a chat room to certain participants. The authentication generally adds a level of security to control of the device and is not used to control number of participants in a chat room. If the Examiner maintains this rejection of these claims, Applicant respectfully and specifically requests, pursuant to MPEP §2144.03 (8th Ed., Rev. 1, Feb. 2003), that the Examiner cite a reference, or provide an affidavit or declaration, supporting this position.

Applicant in view of the above discussion respectfully asserts that Masahide et al. does not show or suggest all limitations of claim 4 or by similar reasoning claims 7 or 15. Thus Applicant respectfully submits that claims 4, 7, and 15 are allowable over this reference and respectfully requests that the Examiner reconsider and withdraw this §103(a) rejection of these claims for this additional reason.

Claim 8 is in independent form and recites:

"An intermediate controller for controlling an intelligent device through an Instant Messaging (IM) protocol over a communication network, the intermediate controller comprising:

a processor; and

a communication port coupled to the processor for communicating with the intelligent device through the communication network,

wherein the processor is programmed to:

create an IM user list and an access control list corresponding to the intelligent device and to a user; and

provide IM control of the intelligent device by the user in accordance with the access control list."

Regarding claim 8, the Examiner maintains that "Claims 5-9 do not teach or define any new limitations above claims 1-4 and therefore are rejected for similar reasons." and further with regard to "claim 10, Masahide teaches the intermediate controller of claim 8." Applicant given the quoted expressions from the Examiner is not clear what portion of Masahide et al. is being referred to show or suggest the claimed intermediate controller. Applicant is unable to construe Masahide et al as showing an intermediate controller as claimed, specifically the creation of an access control list corresponding to a user and a device and providing control of the device by the user as claimed. The discussion above with reference to claim 3 may also be relevant.

Applicant in view of the above discussion respectfully asserts that Masahide et al. does not show or suggest all limitations of claim 8 or by virtue of dependency claims 9-12. Thus Applicant respectfully submits that claims 8 and 9-12 are allowable over this reference and respectfully requests that the Examiner reconsider and withdraw this §103(a) rejection of these claims.
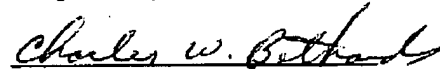
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Furthermore claims 11 and 12 should be allowable over this reference for additional

reasons, as noted above with reference to claims 4, 2, respectfully. In conclusion and in view of

at least the reasons noted above, Applicant respectfully urges that claims 1-15 are allowable over

Masahide et al. and thus requests that the Examiner reconsider and withdraw this rejection of

claims 1-15.

Accordingly, Applicant respectfully submits that the claims, as amended, clearly and

patentably distinguish over the cited reference of record and as such are to be deemed allowable.

Such allowance is hereby earnestly and respectfully solicited at an early date. If the Examiner

has any suggestions or comments or questions, calls are welcomed at the phone number below.

Although it is not anticipated that any fees are due or payable, the Commissioner is

hereby authorized to charge any fees that may be required to Deposit Account No. 50-1147.

                                        Respectfully submitted,

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